HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

C.P No.D-593 of 2018

[Sayed Nasir Ali & Others versus The Revisional Authority & Ors]

Before:

Justice Khadim Hussain Tunio
Justice Tasneem Sultana

Petitioners	Sayed Nasir Ali, Sayed Tahir Hussain, Sayed Azhar Ali, Abdul Khalique, Ali Gul, Qadir Dino, Fateh Muhammad and Haji Gulab **through Mr. Sunder Das advocate**
Respondent No.1	The Revisional Authority/Secretary to the Government of Pakistan Ministry of Religious Affairs and Interfaith Harmony **through Ms. Shamim Mughal Assistant Attorney General**
Respondents No.2&3	Chairman ETPB Lahore & Deputy Administrator ETPB Hyderabad: **None present**
Respondent No.4	Additional Deputy Commissioner Settlement Cell Sanghar **through Mr. Muhammad Yousuf Rahopoto Assistant A.G Sindh**
Respondents No.5to7	Mst. Waheeda Begum, Kirir Ali and Bashir Ahmed: **None present**
Date of hearing	05.08.2025
Date of Judgment	05.08.2025

J U D G M E N T

TASNEEM SULTANA, J: The present petition has been instituted under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, whereby the petitioners have assailed the legality, propriety and validity of two orders passed by the statutory fora under the Evacuee Trust Properties (Management & Disposal) Act, 1975. The first order is dated 22.07.2006, rendered by the Chairman, Evacuee Trust Property Board (ETPB), whereby the land in question, admeasuring 25 acres 12 ghuntas situated in Deh Gujhro, Taluka Tando Adam, District Sanghar, was declared to be Evacuee Trust Property. The second is the order dated 24.11.2017, delivered by the Revisional Authority (Secretary, Ministry of Religious Affairs & Interfaith Harmony), whereby the statutory revision preferred by the petitioners was dismissed, thus affirming the decision of the Chairman, ETPB.

2. The property in question is not a minor or inconsequential holding but a sizeable tract measuring 25 acres and 12 ghuntas, comprising Survey Nos. 181/5,

182/5, 183/5, 210/1–2, 211/1–2, and 212/2 of Deh Gujhro, Taluka Tando Adam, District Sanghar. Petitioners assert that their rights flow from a chain of transactions spanning several decades, commencing with allotment to one Mst. Waheeda Begum in 1959, followed by transfers in 1981 and 1995, and culminating in registered sale deeds executed in their favour in 1996. The respondents, however, maintain that the land has all along remained trust property recorded as Gaushala, and that the claim of Waheeda Begum was spurious from inception.

3. The first round of proceedings was initiated through a reference made by the Deputy Administrator, ETPB, Hyderabad. Acting upon this reference, the Chairman, ETPB, by order dated 05.07.2002, declared the property to be Evacuee Trust Property, while holding that the documents relied upon by the claimants were manipulated, that the allotment of Waheeda Begum lacked authenticity and that the revenue entries had been surreptitiously introduced. The respondent No.2 therefore cancelled the Parchi Taqseem Khatooni dated 04.09.1959, RL-II dated 03.09.1959 and all subsequent alienations. This order set the tone for what was to become a long-drawn litigation spanning more than a decade and a half. Against the said decision, a statutory revision was preferred, being Revision No. 3-126/2002-Rev before the Revisional Authority/respondent No.1, who vide order dated 08.09.2005, after hearing both sides, held that the Chairman had failed to requisition the complete pre-partition and revenue record and had not afforded adequate opportunity of hearing. Consequently, the order of 2002 was set aside and the case was remanded with specific directions: to summon the relevant record, to grant full opportunity of hearing, and to decide the matter afresh by a speaking order. Thus, the petitioners regained a fresh opportunity to vindicate their claim before the ETPB.

4. Upon remand, the matter was re-examined by the respondent No.2/Chairman, ETPB and after considering the record afresh, he passed the order dated 22.07.2006 by once again declaring the property to be Evacuee Trust Property. In this decision, the Chairman gave detailed reasons, noting, inter alia, that the land had been consistently recorded as Gaushala in the revenue record, that the ETPB had managed the property through leases even as late as 1995–1998, and that the allotment documents of 1959 were riddled with anomalies, including their peculiar sequencing and delayed implementation. He concluded that the claim of Waheeda Begum was not genuine and that the subsequent chain of transactions had no legal foundation. Being aggrieved with the petitioners invoked the revisional jurisdiction once again, this time through

Revision No. 3-599/2006-Rev. Their case was that the 2006 order had failed to consider crucial documents including the clearance certificate of 1973, the revenue entries of 1981, and the sale deeds of 1981, 1995 and 1996. They claimed that they were bona fide purchasers for value and should not be penalized for departmental lapses. The matter was keenly contested before the Revisional Authority, which, after extensive proceedings, eventually delivered its decision on 24.11.2017, upholding the Order dated 22.07.2006. This marked the culmination of the statutory proceedings and left the petitioners with no remedy except to invoke the constitutional jurisdiction of this Court.

5. Learned counsel for the petitioners has reiterated the submissions advanced before the statutory for a and further contends that the allotment of 1959 was validly made in favour of Waheeda Begum, as reflected in the RL-II and Parchi Taqseem Khatooni; that the clearance certificate issued in the year 1973 further verified her claim; that these, coupled with the subsequent revenue entries and registered sale deeds, according to him, conclusively establish the petitioners' ownership; that the Gazette Notification issued in the year 1979, that was relied upon by the respondents, is irrelevant, as it pertains to Deh Khajro in Shahdadkot, not Deh Gujhro in Tando Adam; that the survey number discrepancies in the Gazette further undermine its applicability; that the reliance on such erroneous record by the respondents is wholly misplaced; that the petitioners, being bona fide purchasers of 1996, are entitled to full protection of the law and their titles cannot be extinguished by reference to clerical errors or departmental irregularities; that the basic mutation was duly sanctioned by the Revenue Authorities after verification, and therefore carries presumption of correctness under the provisions of the West Pakistan Land Revenue Act; that once a fiscal entry is made in the record-of-rights, the same cannot be lightly brushed aside by the respondents without clear proof of fraud or forgery; that Waheeda Begum sold the land to Kirir Ali in 1981, who remained in possession for a considerable period of time, and later transferred the same to Bashir Ahmed in 1995, thereafter Bashir Ahmed executed eight registered sale deeds dated 31.10.1996 in favour of the present petitioners and all these transactions were executed before the Sub-Registrar and supported by corresponding mutations in the revenue record; that such registered public documents carry a presumption of authenticity and cannot be disregarded without compelling evidence to the contrary; that the petitioners obtained agricultural loans from financial institutions, mortgaged the land, and repaid the same, which would not have been possible had their title been dubious. Counsel lastly pressed into service the principle of equity by arguing that even if there were anomalies in the original allotment, petitioners being downstream

purchasers cannot be penalized; that petitioners purchased the land in 1996 through registered sale deeds, paid full consideration, obtained possession, cultivated the land, and even mortgaged it with financial institutions, therefore, they are bona fide purchasers for value without notice of any defect, and as such equity demands that their title be protected.

6. The private respondents No.5 to 7 were served by all modes of service including publication but no one could turn up on their behalf, as such vide order dated 07.05.2025 service against the private respondents was held good; whereas the counsel for ETBP/respondents No.2 and 3 also remained absent for two consecutive dates without intimation.

7. Learned Assistant Attorney General, however, supported the impugned orders and argued that the petition is devoid of merit; that the entire record demonstrates that the land in question has always been treated as Gaushala property, forming part of the religious trust property managed by the Evacuee Trust Property Board. This, they submit, is evident from consistent entries in the revenue record, which cannot be ignored merely on the basis of belated allotment documents surfacing after decades; that the property was regularly leased out by ETBP. In this regard she specifically refer to a lease executed for the period 1995–1998, supported by receipts evidencing payment of lease money to the ETPB and contends that these documents conclusively demonstrates that the property was under the active management and control of the ETPB even during the time when the petitioners claim to have acquired title; that one and the same property cannot simultaneously be leased out by ETPB and yet be the subject of private sale transactions, and this contradiction reveals the falsity of the petitioners' claim.; that the RL-II and Parchi Taqseem Khatooni of 1959 are highly suspicious , as ordinarily, a Parchi precedes the issuance of RL-II, but in this case the RL-II is dated 03.09.1959 while the Parchi is dated 04.09.1959, a sequence which defies the usual process of allotment; that this chronological inconsistency, coupled with other deficiencies in the record, strongly suggests that the allotment documents are not genuine but were manipulated to create a false claim. She finally prayed for dismissal of this petition.

8. Learned Assistant Advocate General advanced no arguments being formal party.

9. Having heard the learned counsel for both sides and having perused the record with their able assistance, the following points for determination arise in this petition:

i. Whether the impugned orders dated 22.07.2006 and 24.11.2017 suffer from jurisdictional defect, illegality, or violation of procedure so as to warrant interference by this Court in its constitutional jurisdiction;

ii Whether the concurrent finding of the Chairman, ETPB and Revisional Authority to the effect that the subject land is Gaushala/Trust property stands vitiated by misreading or non-reading of material evidence amounting to perversity;

iii. Whether the petitioners can establish a lawful and valid title on the strength of RL-II dated 03.09.1959, Parchi Taqseem Khatooni dated 04.09.1959, clearance certificate dated 30.06.1973, revenue mutations of 1981, and the subsequent registered sale deeds of 1981, 1995 and 1996;

iv. Whether the petitioners' status as bona fide purchasers for value without notice entitles them to protection notwithstanding defects in the root of title.

10. Before examining the points individually, it is imperative to delineate the scope of this Court's jurisdiction under Article 199 of the Constitution. It is well settled that the High Court, in exercise of its constitutional powers, does not sit as a Court of appeal against orders of statutory authorities. The Court does not reappraise evidence, nor does it substitute its own view for that of the specialized forums merely because a different conclusion is possible. Interference is confined strictly to cases of jurisdictional defect, patent illegality, perversity arising from misreading or non-reading of material evidence, or violation of principles of natural justice. This self-imposed restraint ensures respect for the hierarchy of statutory tribunals and prevents constitutional jurisdiction from being converted into a parallel appellate forum.

11. Applying the above principles, the petitioners bear the heavy burden of demonstrating that the impugned orders suffer from the vices identified. Unless they succeed in discharging this burden, this Court must lean in favour of upholding concurrent findings of fact recorded by the Chairman, ETPB and Revisional Authority, both of whom dealt with the matter in detail and rendered speaking orders.

12. The first substantive point which arises for determination relates to the trust character of the property. It was the consistent stance of the respondents before the statutory fora that the land under dispute had all along stood recorded in the revenue record as "Gaushala", that is to say, a cow-shed or grazing ground earmarked for communal use, falling within the category of trust property. Both

the Chairman, ETPB in his order dated 22.07.2006, and the Revisional Authority in its order dated 24.11.2017, treated this fact as the starting point of their reasoning. The revenue extracts produced, including Form-VII and Register Dakhal Kharaj, clearly described the land as Gaushala. These are official entries made by public officials in the regular discharge of their duties, and therefore carry a presumption of correctness under Article 100 of Qanun-e-Shahadat Order, 1984. Unless the contrary is proved by cogent and convincing evidence, such official record cannot be disregarded. The Hon'ble Supreme Court of Pakistan in a case titled as Qazi Akbar Jan and others vs. The Chairman District Evacuee Trust Committee, Peshawar and others (1991 SCMR 2206) has held that where sufficient prima facie evidence was adduced showing the property was attached to a registered or charitable institution and veracity of such evidence was not displaced by any other reliable evidence in that eventuality the burden of proving the actual creation of trust is on the party asserting property was attached to a religious or charitable trust was not essential and such matter could be decided on the rule of preponderance of evidence. Relevant portion of the judgment (supra) is reproduced as under:

> *"11. The above contention is devoid of any force as there is no evidence on record that any private religious trust was created by an individual. On the contrary, the above Revenue Record of the year 1895 indicates that it was a public religious trust. The property was shown to have been vested in the " Mander " through the incumbent of a religious office and not in any individual. There is a concurrent finding of the Settlement Commissioner and the High Court on the question that the above " Mander " was a public religious trust and because of that, even the Settlement Commissioner excluded the portion of the " Mander " from being treated as a private evacuee property. Even the Revenue Record for the year 1929 also contains the following entry in the column of "Nam Malik ma Ahwal which reads as follows:----*
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> *It is, therefore, evident that the High Court was justified in holding that the " Mander " Thakar Dawara and the land attached to it, was property attached to a religious trust. We may point out that in order to make a property attached to any charitable, religious or educational trust or institution in terms of subsection (2) of section 4 of the Act, it is not necessary that the entire property should be used for the aforesaid purpose. What is required is, that the property should be attached to a trust or institution of the above nature. Since Thakar Dawara admittedly is a religious institution, the land attached to it, is also trust property."*

13. It is equally important that the ETPB did not merely rest upon historical entries in the revenue record. The Department produced evidence of its active management of the property through leases. The record showed that even during

the years 1995 to 1998, the land was being leased out by the ETPB to private individuals for cultivation, and lease money was being deposited into the account of the Board. The existence of lease agreements, accompanied by receipts of rent, is a concrete indicator of possession and control by the statutory custodian of trust property. This evidence significantly undermines the claim of the petitioners because if the land was genuinely in the ownership and possession of Waheeda Begum or her successors, there was no conceivable reason why the ETPB would continue to lease it out simultaneously. Such dual claims cannot coexist in law; one must give way to the other.

14. During the course of arguments the petitioners attempted to establish that revenue entries do not by themselves confer ownership, and that even trust entries cannot stand in the way of a valid allotment. While the general proposition is correct that entries in revenue record are not conclusive of ownership, it is equally well settled that where such entries are consistent over a long span of time and are corroborated by acts of management by the custodian authority, they assume a probative value which cannot be lightly brushed aside. In the present case, not only do the entries from the relevant period describe the property as Gaushala, but the ETPB continued to manage it through leases and receipts. This convergence of documentary and circumstantial evidence leaves little doubt as to the trust character of the property.

15. Turning next to the allotment documents of 1959, namely RL-II dated 03.09.1959 and Parchi Taqseem Khatooni dated 04.09.1959, which form the foundation of the petitioners' claim. The statutory fora subjected these documents to scrutiny and found glaring anomalies. The most significant inconsistency is that the RL-II precedes the Parchi. The settled process of allotment is that first, a Parchi (certificate of allotment) is issued to the allottee, and thereafter, upon its basis, an RL-II entry is made to formally incorporate the allotment into record. The inversion of this sequence in the case of Waheeda Begum raises serious doubts as to the authenticity of the documents. It was observed by the Chairman, and later affirmed by the Revisional Authority, that such inversion could not occur in the normal course of official business unless manipulation was at play.

16. The suspicion surrounding the allotment documents is compounded by the extraordinary delay in their implementation. Even if the RL-II and Parchi are accepted at face value, the fact remains that the allotment of 1959 was not reflected in the revenue record until the year 1981. This delay of 22 years is wholly inconsistent with the ordinary course of administrative practice. The Departmental instructions required that allotments be implemented in the revenue

record within a period of three years, failing which the allotment would lapse. Such instructions were meant to ensure certainty of titles and to prevent belated manipulation. The petitioners offered no satisfactory explanation for this delay. The clearance certificate of 1973 and subsequent mutation in 1981 are themselves tainted by the fact that they occurred long after the period of permissible implementation had expired.

17. Though it is claimed by the petitioners that the clearance certificate of 1973 justified the belated mutation, but this explanation is not convincing. If Waheeda Begum was the genuine allottee, her name should have appeared in the record-of-rights much earlier. The absence of her name from the revenue record for more than two decades is not a mere irregularity but a substantive defect, particularly when during this period the property was being managed and leased by the ETPB. The principle is well recognized that "delay defeats equity". A claim surfacing after decades, particularly when inconsistent with official entries, cannot displace the presumption in favour of long-standing trust character.

18. In light of these anomalies, the statutory fora were justified in concluding that the allotment of 1959 in favour of Waheeda Begum was not genuine. Title in immovable property must rest upon a firm and unimpeachable foundation. If the root is tainted, every subsequent transaction flowing from it is equally defective. The subsequent transfers of 1981, 1995, and 1996 are all traceable to Waheeda Begum's original allotment. Since that allotment has been found invalid, the chain of title collapses. The legal maxim applies: "sublato fundamento cadit opus", if the foundation is removed, the superstructure falls. Thus, the very edifice upon which the petitioners rest their claim is unsound, and no supervening equity can validate it.

19. Another pivotal issue raised by the petitioners relates to the Gazette Notification of 1979, which was relied upon by the ETPB and accepted by both statutory fora. According to the petitioners, this Gazette is wholly irrelevant to the present case because it refers to "Deh Khajro" situated in District Larkana (now Shahdadkot), whereas the property in dispute lies in "Deh Gujhro" of Taluka Tando Adam, District Sanghar. Petitioners insist that the two are entirely different localities separated by geography and administrative boundaries, and therefore, any reliance upon the Gazette by the respondents is misplaced and has occasioned a grave miscarriage of justice. This objection, though at first sight plausible, was carefully examined by the Chairman, ETPB in 2006 and again by the Revisional Authority in 2017. Both authorities observed that official publications, particularly Gazette Notifications, are not immune from clerical or typographical

errors, especially where vernacular names are transliterated into English. They noted that while there may be variation between “Khajro” and “Gujhro,” the survey numbers and the total area mentioned in the Gazette substantially corresponded with the land in question. The authorities therefore concluded that despite minor discrepancies in spelling, the Gazette in substance referred to the very property under dispute.

20. It is a settled principle of interpretation that documents must be read in their entirety and substance, rather than focusing on clerical mistakes in isolation. Courts are required to adopt a purposive approach in order to give effect to the substance of a document. To hold otherwise would allow technicalities to defeat substantive justice. In this case, the consistent tally between survey numbers, measurement of land, and description of Gaushala property persuaded both fora that the Gazette entry was indeed applicable to the land in dispute. The petitioners, despite opportunity, failed to produce any corrigendum, alternate Gazette entry, or contemporaneous record contradicting this interpretation. In the absence of such material, this Court cannot upset concurrent findings reached on plausible grounds.

21. Insofar as the reliance of the on the clearance certificate dated 30.06.1973, issued by the Rehabilitation Department. This argument, though attractive at the surface, does not withstand closer scrutiny. It is well settled that a clearance certificate or administrative acknowledgment cannot validate a transaction that is void ab initio. If the original allotment itself was not genuine, subsequent clearance could not convert it into a lawful title. The maxim “ex turpi causa non oritur actio” (no right can arise from a void act) squarely applies. Both statutory fora therefore correctly treated the clearance certificate as having little probative value in the face of consistent revenue entries showing Gaushala status and the long delay in implementation. At best, the clearance certificate shows that some processing occurred at departmental level, but it cannot displace the substantive evidence of trust character.

22. Likewise, placing reliance by the petitioners placed reliance upon mutation entries made in 1981 is concerned. The answer to this contention is provided by long-settled jurisprudence: mutation entries are fiscal in nature and do not, by themselves, confer title. They are made for the purpose of updating revenue records to facilitate collection of land revenue, and while they may carry a presumption of correctness, such presumption is rebuttable. Where the root transaction is void or fabricated, the mutation becomes equally ineffective. As held in numerous judgments of the superior courts, “mutation neither creates nor

extinguishes title; it is merely an evidence of possession." Therefore, the 1981 mutation in favour of Waheeda Begum could not, in itself, establish ownership, particularly when the allotment upon which it was based has been found invalid. In the case of Raza Quli Khan and others V. Mahmud Jan and others (2017 YLR 199 – Peshawar) it has been held as under:

> *"It very much settled that mutations are prepared for fiscal purposes and to maintain the record of rights up-to-date. These can never be held as documents of title and cannot create any title. Entering a mutation or reporting a factum of acquisition of any right in the property with Patwari is a ministerial act which cannot confer or extinguish any right in the property unless the very acquisition of any right is established through evidence."*

23. While the plea of bona fide purchaser commands sympathy, it is overridden by the doctrine of nemo dat quod non habet — no one can transfer what he does not possess. If Waheeda Begum's allotment was void, she had no valid title to transfer in 1981. If Amir Ali received nothing, he could not pass anything to Bashir Ahmed in 1995, and likewise Bashir Ahmed could not pass better title to the petitioners in 1996. The defect at the root infected each successive transaction. Registration of sale deeds does not validate the underlying title; it only records a transaction. Law requires that the vendor must have title before he can convey it. Thus, despite their apparent good faith, the petitioners cannot acquire ownership when their vendors had none. The Revisional Authority therefore rightly applied the maxim caveat emptor (buyer beware). Purchasers are under a duty to verify the title of their vendors. In the present case, the revenue record showed entries of Gaushala and the property being under ETPB management. Even if the petitioners did not actually know of these facts, they were matters of public record which could have been ascertained with due diligence. The law does not protect purchasers who fail to exercise such diligence, especially in matters concerning trust property. At best, the petitioners may have a remedy against their immediate vendor for restitution or compensation, but not against the statutory custodian of religious trust property.

24. The petitioners also attempted to establish that the impugned orders were vitiated by procedural irregularity, particularly alleging that the Chairman, ETPB while deciding the matter afresh in 2006 did not fully comply with the remand directions issued by the Revisional Authority in its earlier order dated 08.04.2005. This contention, however, does not stand scrutiny. The Revisional Authority in its subsequent order dated 24.11.2017 specifically considered this very argument and categorically found that the remand directions had been substantially complied

with. The Chairman in 2006 did, in fact, requisition relevant revenue extracts, examined Form-VII, clearance certificate, RL-II and Parchi, as well as departmental records relating to leases, and thereafter rendered a detailed speaking order. It is well settled that substantial compliance with remand directions suffices. Absolute mathematical precision or point-by-point reproduction of arguments is not required so long as the essence of the dispute is addressed in a reasoned manner.

25. The record further reveals that in the 2006 proceedings, both oral and documentary evidence produced by the petitioners was duly examined. The Chairman specifically considered the anomalies in RL-II and Parchi, the belated implementation of mutation in 1981, and the contradictory evidence of ETPB leases. He provided cogent reasons for rejecting the petitioners' claim, and those reasons were subsequently reaffirmed by the Revisional Authority. The allegation that the Chairman ignored vital evidence is therefore unfounded; at most, petitioners disagree with the weight assigned to their documents, which is a matter of appreciation of evidence, not jurisdictional defect.

26. It is also noteworthy that throughout the proceedings, the petitioners were afforded ample opportunity of hearing. They filed written arguments, produced documents, and were represented by counsel. No allegation of bias or mala fides has been substantiated. As the superior courts have consistently held, "fair hearing does not mean favourable outcome". A party cannot allege denial of natural justice merely because its submissions were rejected. So long as the party was heard and reasons were recorded, the requirement of procedural fairness stands satisfied.

27. In the present case, both the Chairman, ETPB and the Revisional Authority have recorded concurrent findings of fact: (i) the land is consistently recorded in revenue record as Gaushala; (ii) the property was under ETPB's management through leases in the 1990s; (iii) the allotment documents of 1959 were anomalous and suspicious; (iv) the mutation of 1981 was belated by more than two decades and contrary to rules; and (v) subsequent purchasers could not acquire better title. These findings are based on documentary record and logical reasoning. No misreading, non-reading, or perversity has been demonstrated. The petitioners' reliance upon clearance certificate of 1973, mutation entry of 1981, and registered sale deeds of 1981, 1995 and 1996 does not alter the position. As elaborated earlier, clearance and mutation are administrative/fiscal entries, not conclusive proof of ownership. Registered sale deeds, though clothed with formality, do not validate the underlying title if the vendor lacked ownership. The

maxim "quod nullum est, nullum producit effectum" (that which is void produces no effect) squarely applies. Thus, the entire edifice of petitioners' claim collapses once the foundation of allotment is found invalid.

28. Similarly, their plea of being bona fide purchasers cannot avail them. The doctrine of bona fide purchaser protects only where the transferor had some semblance of title, however defective, but does not apply where the transferor had no title whatsoever. The Supreme Court has repeatedly held that trust property cannot be alienated by unauthorised persons, and no amount of good faith or consideration can perfect such a sale. Petitioners' remedy, if any, lies against their vendors for restitution of consideration, but not against the custodian of trust property. It is also of significance that trust property enjoys special protection under law. The purpose of the Evacuee Trust Property Board Act is to safeguard such property for religious and charitable use. Permitting doubtful claims to succeed against such property would undermine statutory protections and encourage manipulation of records to the detriment of religious endowments. Courts are therefore enjoined to adopt a cautious approach, and to resolve doubts in favour of the trust rather than private claimants. The statutory fora rightly adhered to this principle, which furthers the public policy underlying the law.

29. In light of the foregoing discussion, it becomes clear that the petitioners have failed to establish any jurisdictional defect, procedural impropriety, or perversity in the impugned orders. Their grievance essentially relates to appreciation of evidence, which lies beyond the writ jurisdiction of this Court. The concurrent findings of the statutory fora are well reasoned, supported by material on record, and do not call for interference. This Court is mindful of its duty to prevent injustice. However, judicial restraint is equally important. Interference in concurrent findings is justified only where gross miscarriage of justice is apparent. In the present case, far from being perverse, the impugned orders are reasoned, coherent, and consistent with both documentary record and settled principles of law. To disturb such findings would amount to overstepping the bounds of Article 199 jurisdiction.

30. The Court cannot also overlook the equitable aspect. While the petitioners may have acted in good faith when purchasing the land, sympathy cannot override the law. To accept their plea would mean recognizing title in private individuals at the cost of religious trust property, which would set a dangerous precedent. The balance of equity, justice, and public interest therefore lies in protecting the trust, not in validating doubtful transactions.

31. Keeping in view the above, instant petition was dismissed vide short order dated 05.08.2025 and these are the reasons thereof.

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Sajjad Ali Jessar